

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.09.2018

PRONOUNCED ON : 17.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.548 of 2018

and

CMP.No.13531 of 2018

C.S.Prameena Vincy ... Petitioner

Vs.

T.J.Dhilip ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw and transfer the I.D.O.P.No.57 of 2018 filed by the respondent herein from the file of the Hon'ble District Judge, Thiruvallur to the Hon'ble District Court, Nagercoil.

For Petitioner : Mr.G.P.Arivuchudar

For Respondent : Mr.I.Jenkins William

ORDER

The petitioner is the wife. The respondent is the husband.

2.All is not well qua the marital life of the petitioner and the respondent.

3.It is found that the respondent has laid IDOP No.57 of 2018 against the petitioner for restitution of conjugal rights and the same is pending on the file of the District Court, Thiruvallur.

4.Seeking the transfer of the abovesaid proceeding from Thiruvallur District Court to Nagercoil District Court on the footing that the distance between Thiruvallur and Nagercoil where the petitioner is residing, is on the higher side and the petitioner is experiencing difficulty and inconvenience in attending the proceeding at Thiruvallur Court and she is to look after her child and also apprehending danger to her life and body at the hands of the respondent at Thiruvallur, the request has been made by the petitioner for the transfer.

5.Resisting the petitioner's request for transfer, it is contended by the respondent that the petitioner would not be put any inconvenience and hardship in attending the proceeding at Thiruvallur and her presence may not be required on all the hearing dates and accordingly, would state that the distance factor alone is not the criteria for accepting the transfer request and further more, he would also state that the present transfer petition has been laid only with a view to harass him one way or the

other and hence, prayed for the dismissal of the present petition.

6.Considering the nature of the proceeding pending at Thiruvallur Court, it is found that the petitioner's presence may not be required on all the hearing dates. The petitioner being represented by an able advocate, her able advocate could very well manage the show of the proceeding at Thiruvallur Court during her absence as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only on the hearing date, when her evidence is to be recorded in support of her case. Therefore, the distance factor projected by the petitioner for transferring the proceeding as such cannot be readily accepted.

7.The petitioner would also putforth the case that she apprehends danger to her life and body at the hands of the respondent in defending the proceeding at Thiruvallur Court. However, as on date, the petitioner has not placed any material to show that the respondent had been wielding any threat to her life and body and if that be so, the petitioner would have initiated necessary legal action against the respondent. Thus, it is noted that the abovesaid cause has been projected by the petitioner only for the purpose of the case.

In the light of the above factors, I do not find sufficient cause for accepting the transfer request of the petitioner. Resultantly, the Transfer Miscellaneous Petition is dismissed. Consequently, connected CMP No.13531 of 2018 is also dismissed.

17.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

1. The District Court, Thiruvallur.
2. The District Court, Nagercoil.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.548 of 2018
and
CMP.No.13531 of 2018

17.09.2018